

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 85-0489-RGS

UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION, et al.,

Defendants.

CIVIL ACTION NO. 83-1614-RGS

CONSERVATION LAW FOUNDATION OF NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendant.

SCHEDULE SEVEN COMPLIANCE ORDER NUMBER 224

July 3, 2012

STEARNS, D.J

This is the two hundred and twenty-fourth Compliance Order that has issued in this litigation. On June 15, 2012, the Massachusetts Water

Resources Authority (MWRA) filed its Quarterly Compliance and Progress Report. The United States and the Conservation Law Foundation have indicated that they each decline to file a response.

I. Schedule Seven

Frederick A. Laskey, Executive Director of the MWRA, has certified that the following Schedule Seven activities were completed during the months of March and April of 2012. On March 30, 2012, the MWRA issued the notice to proceed with the design contract for the control gate and floatables control at outfall MWR003 and the Rindge Avenue Siphon relief project, as well as the interceptor connection relief and floatables control at outfall SOM01A. These projects, both of which are located in the City of Cambridge, are the final two of the 35 projects in the MWRA's long-term combined sewer overflow (CSO) control plan to proceed to the design stage. The MWRA expects to complete design work and commence construction on the projects by September 2013 (outfall SOM01A) and August 2014 (outfall MWR003), in compliance with Schedule Seven. In addition, as noted in Compliance Order Number 223, on March 15, 2012, the MWRA submitted its 2011 annual CSO report, in compliance with Schedule Seven.

II. Progress Report

1. CSO Program

a. CAM004

The MWRA reports that construction of the CAM004 stormwater outfall and wetland detention basin is now approximately 65 percent complete, up from 40 percent last quarter. The City of Cambridge has completed the construction and stabilization of the perimeter berms and final grading at the forebay of the wetland basin, as well as the installation of inflow and outfall headwalls, where the flows will drain into and out of the wetland basin. The footings for a pedestrian boardwalk have been installed. According to the MWRA, Cambridge has also installed box culverts in several locations.

In addition, the design work for the remaining three construction contracts for CAM004 sewer separation remains on schedule for completion by December 2015, in compliance with Schedule Seven.

b. Brookline Sewer Separation

The MWRA reports that the Town of Brookline continues to make substantial progress on its sewer separation project, which consists of two contracts. The first contract was completed in January of 2010, while the second, which involves installing 3,790 linear feet of storm drain and 5,840 linear feet of sanitary sewer, is now 68 percent complete (compared to 60 percent as of the court's previous Order).

The MWRA additionally reports that on May 30, 2012, it began on-site construction mobilization for the cleaning of CSO Outfall MWR010, which

is located primarily on Boston University property. The cleaning will ensure that the outfall has adequate capacity to convey Brookline's separated stormwater to the Charles River.

c. Reserved Channel Sewer Separation

The Boston Water and Sewer Commission (BWSC) continues to make progress on the Reserved Channel sewer separation project. On April 26, 2012, the BWSC awarded a \$6.8 million contract to resurface the roadway in connection with sewer separation contracts 3A, 3B, and 4. In addition, on June 14, 2012, the BWSC received bids for an additional \$10.6 million in sewer separation projects. The MWRA reports that the Reserved Channel sewer separation project remains on track for completion by December of 2015, in compliance with Schedule Seven.

e. Lower Dorchester Brook

The MWRA further reports that the BWSC has substantially completed its \$6 million sewer improvement project, which was intended to lower CSO discharges to the Dorchester Brook Conduit and to assist in attaining the desired level of CSO control in Fort Point Channel.

f. South Dorchester Bay Inflow Removal

The MWRA reports that the BWSC is performing hydraulic modeling and system analysis related to its Dorchester Interceptor to determine the causes of system flowing that occurs at certain locations during extreme

storms. According to the MWRA, the BWSC plans to issue a final report with recommendations by the end of 2012.

III. Comments

The court is pleased with the continued progress on all projects in the past quarter.

ORDER

The parties are ordered to report to the court as previously scheduled.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE